

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CHRISTOPHER BENDANN

Criminal No.: JKB-23-0278

MOTION TO VACATE CURRENT SCHEDULING ORDER

Now comes Christopher Bendann, by and through undersigned counsel, to respectfully request that the Court vacate the currently scheduling order to allow recently-appointed counsel an opportunity to adequately prepare for trial. In support, Mr. Bendann states the following:

1. On August 16, 2023, Mr. Bendann was charged via federal indictment for Sexual Exploitation of a Child, in violation of 18 U.S.C. 2251(a), and Possession of Child Pornography, in violation of 18 U.S.C. 2252(a)(5)(B) and 2256. On August 18, 2023, Mr. Bendann had his initial appearance in federal court and was temporarily detained pending a detention hearing. On August 21, 2023, a detention hearing was conducted, and Magistrate Judge J. Mark Coulson ordered Mr. Bendann detained. At the conclusion of that hearing, Mr. Bendann was arraigned, pled not guilty and requested a speedy trial.

2. On September 14, 2023, the Court issued a scheduling order (ECF 38) in which the jury trial in this case is scheduled to begin on October 23, 2023. Additional hearing dates and deadlines were included in this order that encompassed all other customary pre-trial matters as well.

3. Less than a week after confirming this trial schedule with the Court, Mr. Bendann's counsel moved to withdraw from the case. An attorney-inquiry hearing was conducted on the next day, September 20, 2023, and previous counsels' motion was granted. Undersigned counsel was appointed at the conclusion of that hearing and entered his appearance that same afternoon.

4. Prior counsel had been representing Mr. Bendann throughout much of the previous

Granted. A new scheduling order has been entered and it now governs case ECF No 527.
9/22/23

8 months and ostensibly would have been prepared to proceed in accordance with the Court's order. However, undersigned counsel, who had only been appointed two days ago and has not yet received all the discovery in this matter, regrettably requests additional time to prepare. Due to the significance and magnitude of the charges, as well as the sizeable amount of discovery to review, undersigned counsel fears he will not be able to effectively prepare a zealous defense within such a limited time frame.

5. Undersigned counsel has conferred with Mr. Bendann, as well as Government Counsel, about this issue, and there is no objection to this request.

WHEREFORE, Mr. Bendann respectfully requests that the Court vacate the current scheduling order and allow the parties to contact chambers to determine a new scheduling order.

Respectfully submitted,

/s/

Christopher C. Nieto, Esq.
Nieto Law Office
1 North Charles Street, Suite 1301
Baltimore, MD 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 2023, a copy of the foregoing Motion to Vacate the Current Scheduling Order and proposed Order was emailed to Colleen McGuinn, Kim Hagan and Anatoly Smolkin, Assistant United States Attorneys.

/s/

Christopher C. Nieto
Attorney for Mr. Bendann